

**SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY**

PRESENT: HON. SHLOMO S. HAGLER

PART

17

Justice

-----X

INDEX NO. 453561/2021

Harris, Adrienne A

MOTION DATE N/A

Petitioner,

MOTION SEQ. NO. 002

- v -

Fresenius Health Plan of New York, Inc.

**DECISION + ORDER ON
MOTION**

Respondent.

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 002) 21, 22, 23, 24, 25, 26, 27

were read on this motion to/for

MISCELLANEOUS

Upon the foregoing documents, it is

ORDERED, that the petitioner's motion is granted in accordance with the attached Order.

10/19/2022

DATE

CHECK ONE:

☒

CASE DISPOSED

☒

GRANTED

☐

DENIED

APPLICATION:

☐

SETTLE ORDER

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

NON-FINAL DISPOSITION

☐

GRANTED IN PART

☐

OTHER

☐

SUBMIT ORDER

☐

FIDUCIARY APPOINTMENT

☐

REFERENCE


 SHLOMO S. HAGLER, J.S.C.

At IAS Part 17 of the Supreme Court of the State of New York, County of New York, at the Courthouse located at 60 Centre Street, New York, New York, on the 19 day of October, 2022.

P R E S E N T:

HON. SHLOMO HAGLER, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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In the Matter of

Index No.: 453561/2021

the Liquidation of

ORDER

FRESENIUS HEALTH PLAN OF NEW YORK, INC.
-----X

Upon the motion of the Superintendent of Financial Services of the State of New York, as liquidator ("Liquidator") of Fresenius Health Plan of New York, Inc. ("Fresenius") for an order, *inter alia*: (i) approving the Liquidator's report on the status of and request to close the Fresenius liquidation proceeding (the "Closing Report") and the financial transactions detailed in the Closing Report, a copy of which is annexed as Exhibit "2" to the affirmation of Melvin Browning; (ii) authorizing the continued payment of actual and necessary administrative expenses, if any, including such expenses pertaining to the closing of the Fresenius liquidation proceeding; (iii) terminating and closing the liquidation proceeding; (iv) authorizing the Liquidator, upon the closing of the liquidation proceeding, to distribute to FHP Insurance Holding Company, Inc. ("FHP") as the class nine shareholder all assets remaining after payment of administrative expenses; (v) authorizing the Liquidator to receive and disburse, without further application to this Court, any receipts that are received after the termination of the liquidation proceeding; (vi) authorizing the Liquidator, after termination of the liquidation proceeding and without further

order of this Court, to destroy or otherwise dispose of any and all of the books, files, records (paper or electronic) and other property of the Fresenius estate and; (vii) releasing and discharging the Liquidator, her predecessors and successors in office, and their agents, attorneys and employees, from any and all liability arising from their acts or omissions in connection with the liquidation proceeding.

NOW, on the motion of the Liquidator, and no opposition having been filed with the Court, it is;

ORDERED, that the application is granted; and it is further

ORDERED, that the Closing Report and the financial transactions detailed in such report are approved; and it is further

ORDERED, that continued payment of actual and necessary administrative expenses, if any, including such expenses pertaining to the closing of the Fresenius liquidation proceeding is authorized; and it is further

ORDERED, that the liquidation proceeding is terminated and closed; and it is further

ORDERED, that upon the closing of the liquidation proceeding, the Liquidator is authorized to distribute to FHP as the class nine shareholder all assets remaining after payment of administrative expenses; and it is further

ORDERED, that the Liquidator's receipt and disbursement, without further application to this Court, of any receipts that are received after the termination of the liquidation proceeding, is authorized; and it is further

ORDERED, that the Liquidator, after termination of the liquidation proceeding and without further order of this Court, is authorized to destroy or otherwise dispose of any and all of

the books, files, records (paper or electronic) and other property of the Fresenius estate; and it is further

ORDERED, that the Liquidator, her predecessors and successors in office, and their agents, attorneys and employees, and the New York Liquidation Bureau are released and discharged from any and all liability arising from their acts or omissions in connection with the liquidation proceeding.

ENTER


SHLOMO S. HAGLER, J.S.C.

J.S.C.

L33603/Order/